



UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 25 2009

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Office of Regulatory Policy  
Food and Drug Administration  
10903 New Hampshire Ave., Bldg. 51, Rm. 6222  
Silver Spring, MD 20993-0002

Attention: Beverly Friedman

Dear Ms. Axelrad:

Transmitted herewith is a copy of the application for patent term extension of U.S. Patent No. RE38,551. The application was filed on December 23, 2008, under 35 U.S.C. § 156. Please note that Applicant has also applied for extension for U.S. Patent No. 5,654,301 for NDA No. 22-253 pursuant to the provisions of 37 C.F.R. § 1.785.

The patent claims a product that was subject to regulatory review under the Federal Food, Drug and Cosmetic Act. Subject to final review, the subject patent is considered to be eligible for patent term extension. Thus, a determination by your office of the applicable regulatory review period is necessary. Accordingly, notice and a copy of the application are provided pursuant to 35 U.S.C. § 156(d)(2)(A).

Inquiries regarding this communication should be directed to the undersigned at (571) 272-7755 (telephone) or (571) 273-7755 (facsimile).

Mary C. Till  
Legal Advisor  
Office of Patent Legal Administration  
Office of the Deputy Commissioner  
for Patent Examination Policy

cc: Kevin G. Shaw  
Hogan & Hartson, LLP  
555 Thirteenth Street, N.W.  
Washington, DC 20004

RE: VIMPAT® (lacosamide) Tablet  
Docket No. FDA-2009-E-0174